REMARKS

The Office Action issued by the Examiner and the citations referred to in the Office Action have been carefully considered. Claims 1-6, 8-17, 19-53, 55-66, and 68-106 are pending in the application. Claims 1-6, 8-17, 19-53, 55-66, and 68-106 are rejected. Claims 7, 18, 54, 67, 107, and 108 have been canceled. No amendments have been made with this response.

During a telephone interview on December 23, 2009 where Examiner Musselman, Applicant and counsel for Applicant, Steve Hassid, discussed the October 23, 2009 Office Action, Examiner Musselman indicated that he would re-open prosecution based on their discussions regarding patentability of the present invention and requested that Applicant specifically indicate in the present response that Examiner Musselman has agreed to reopen persecution in the present case. Applicant and counsel for Applicant thank Examiner Musselman for his assistance with the present application.

Claim Rejections under 35 U.S.C. § 103

On page 2, paragraph 3 of the Office Action, the Examiner has rejected claims 1-4, 8-9, 16, 19, 22, 37, 48-51, 56-58, 65, 68, 71, 88, and 100-106 as being allegedly unpatentable over Griswald, et al. (U.S. Patent No. 5,890,911) ("Griswald").

Griswold is entitled "Method and System for Computerized Learning, Response, and Evaluation" The abstract in Griswold indicates, in relevant part, that "[t]hough the use of intuitive interface elements, the authoring portion allows an author to quickly and easily construct a lesson from a pool of relevant data. Due to the design and capabilities provided, the authoring portion reduces the time it takes for an author to learn how to construct a lesson and reduces the time it takes to construct the lesson. Data can be organized into pages which are presented to the user and pages which are hidden from the user. The presentation portion allows a user to view and learn the information contained in a lesson. Learning is enhanced because a user can request testing at virtually any point in the lesson. *Unlike prior systems, questions presented to the user are generated by the learning, response, and evaluation system rather*

than being developed by the author." (*See* Griswald, Abstract, *emphasis added.*)   Griswold teaches, "[y]et another object of the present invention is to provide a computer learning, response, and evaluation system which *randomly generates the content of test questions rather than simply randomly presenting previously defined test questions.*" (*See* Griswald, Col. 5, lines 16-20, *emphasis added.*). Griswald also goes one to state "[a] still further object of the present invention is to *remove the need for the author to write individual test questions.*" (*See* Griswald, Col. 6, lines 9-10, *emphasis added.*).

The "Summary and Objects of the Invention" section in Griswald indicates, in relevant part "[i]t is therefore an object of the present invention to develop a computer learning, response, and evaluation system which allows a developer to quickly and efficiently present data and tests on the data presented. It is a further object of the present invention to provide a computer, learning, response, and evaluation system which Yet another object is to reduce the time it takes to learn organizes data in such a way to allow for feedback tests as the information is presented...." (*See* Griswald, Summary and Objects of the Invention).

It should be appreciated that the teachings of Griswold and the problems that Griswold attempts to solve, are completely different from the presently claimed invention and it's benefits and advantages.   For example and not by way of limitation, Griswald is directed to methods and systems for helping people rapidly create a lot of questions. Griswald, and the other references of record do not teach or suggest a method or system where the method or system determined the learning value of the questions by gauging the user's/learner's response to the questions. To accomplish the goal of helping the user/learner rapidly create a lot of questions, Griswold teaches methods to automatically have the system write a group of questions instead of the author writing or creating individual questions. Griswald and the other prior art references of record, alone or in combination, do not teach or suggest, a system or method where the user's/learner's response to the questions is gauged by the method or system according to the user/learner evaluating their own answer to the question presented and answered by the user/learner.   For example, and not by way of limitation, pending claim 1 of the present invention requires "the computer system gauging said person's response to said accepted

questions according to said person's evaluation of an answer to said accepted questions; and".
Griswald, alone or in combination with the prior art of record, does not teach or suggest this
limitation and the inventions of rejected claims 1-4, 8-9, 16, 19, 22, 37, 48-51, 56-58, 65, 68, 71,
88, and 100-106.   Claims 2-4, 8-9, 16, 19, 22 & 37 depend from claim 1 and therefore
incorporate the recited indicated limitation from claim 1.   Independent claims 41, 48, 93 & 100
also include limitations requiring gauging the user's/learner's response according to the
user's/learner's self-evaluation of their answer to the question/material presented. For purposes
of brevity, Applicant has not repeated the specific claim limitations for each independent claim
here but respectfully request reconsideration of the Examiner's obviousness rejection of claims
1-4, 8-9, 16, 19, 22, 37, 48-51, 56-58, 65, 68, 71, 88, and 100-106 on these grounds.

Moreover, Griswald alone or in combination with any of the other prior art of record does
not teach or suggest a method or system where the user/learner is repeatedly questioned with
materials/questions about which the user/learner has a weaker understanding. For example, and
not by way of limitation, pending claim 1 of the present invention requires "the computer system
repeating accepted questions to said person according to said response; whereby said person is
repeatedly questioned about materials about which said person has a weaker understanding in
preference to materials about which said person has a stronger understanding," Griswald, alone
or in combination with the prior art of record, does not teach or suggest this limitation and the
inventions of rejected claims 1-4, 8-9, 16, 19, 22, 37, 48-51, 56-58, 65, 68, 71, 88, and 100-106.
Claims 2-4, 8-9, 16, 19, 22 & 37 depend from claim 1 and therefore incorporate the recited
indicated limitation from claim 1. Independent claims 41, 48, 93 & 100 also include limitations
requiring repeatedly questioning the user/learner with materials/questions about which the
user/learner has a weaker understanding. For purposes of brevity, Applicant has not repeated the
specific claim limitations for each independent claim here but respectfully request
reconsideration of the Examiner's obviousness rejection of claims 1-4, 8-9, 16, 19, 22, 37, 48-51,
56-58, 65, 68, 71, 88, and 100-106 on these grounds.

Additionally, Griswald alone or in combination with any of the other prior art of record
does not teach or suggest a method or system where the user/learner determines whether or not

the user's/learner's answers to the questions presented to the user/learner are correct. For example, and not by way of limitation, pending claim 1 of the present invention requires "wherein the person, and not the computer system, is determining whether or not the person's answers to the specific questions are correct" Griswald, alone or in combination with the prior art of record, does not teach or suggest this limitation and the inventions of rejected claims 1-4, 8-9, 16, 19, 22, 37, 48-51, 56-58, 65, 68, 71, 88, and 100-106. Claims 2-4, 8-9, 16, 19, 22 & 37 depend from claim 1 and therefore incorporate the recited indicated limitation from claim 1. Independent claims 41, 48, 93 & 105 also include limitations requiring the user/learner to determine whether his or her answers to the questions/materials presented are correct. For purposes of brevity, Applicant has not repeated the specific claim limitations for each independent claim here but respectfully request reconsideration of the Examiner's obviousness rejection of claims 1-4, 8-9, 16, 19, 22, 37, 48-51, 56-58, 65, 68, 71, 88, and 100-106 on these grounds.

For each of these reasons independently, Applicant respectfully requests reconsideration and that the Examiner withdraw his obviousness rejection of claims 1-6, 8-17, 19-53, 55-66, and 68-106.

It should be appreciate that the claimed invention provides method and systems that are, among other things, designed to improve the learning benefit of individual questions and interactively engage the user/learner to provide and more frequently introduce those questions/materials that have a high learning value for the specific user/learner based on that specific user's/learner's feedback to his or her own answers. In doing so, the methods and systems of the present invention, among other things, determine and identify questions that have high learning value for the user/learner and help the user/learner write and learn from questions/materials that have high learning value for that particular user/learner in a efficient and effective way, none of which is taught or suggested by the prior art of record.

On page 5, paragraph 1 of the Office Action, the Examiner has rejected claims 5-6, 20-21, 52-53, and 69-70 as being allegedly unpatentable over Griswald in combination with Stuppy (International Patent Publication No. WO98/13807) ("Stuppy").

On page 5, paragraph 4 of the Office Action, the Examiner has rejected claim 55 as being allegedly unpatentable over Griswald in combination with Google (www.google.com) ("Google").

On page 6, paragraph 2 of the Office Action, the Examiner has rejected claims 10-15, 17, 59-64, and 66 as being allegedly unpatentable over Griswald in combination with Ho, et al. (U.S. Patent No. 6,139,330) ("Ho").

On page 7, paragraph 3 of the Office Action, the Examiner has rejected claims 34-36 and 85-87 as being allegedly unpatentable over Griswald in combination with Sonnenfeld (U.S. Patent No. 6,112,049) ("Sonnenfeld").

On page 8, paragraph 1 of the Office Action, the Examiner has rejected claims 23-26 and 72-75 as being allegedly unpatentable over Griswald in view of the Science Daily article (Oregon State University (1998, July 8). "Study On Student Cheating Finds Profs Make A Difference." *ScienceDaily*. Retrieved February 18, 2009 from http://www.sciencedaily.com/releases/1998/07/980708085624.htm) ("Science Daily article").

On page 8, paragraph 3 of the Office Action, the Examiner has rejected claims 27-29, 31, 76-80, and 82 as being allegedly unpatentable over Griswald in combination with Lotvin (U.S. Patent No. 5,907,831) ("Lotvin").

On page 9, paragraph 2 of the Office Action, the Examiner has rejected claims 30, 32-33, 81, and 83-84 as being allegedly unpatentable over Griswald in combination with Lotvin and also Kesel (U.S. Patent No. 5,822,744) ("Kesel").

On page 9, paragraph 4 of the Office Action, the Examiner has rejected claims 38-40 and 89-92 as being allegedly unpatentable over Griswald in view of Cook, et al. (U.S. Patent No. 5,727,950) ("Cook").

On page 10, paragraph 2 of the Office Action, the Examiner has rejected claims 41-43 and 93-95 as being allegedly unpatentable over Griswald in combination with Stuppy, Sonnenfeld, Lotvin, Kesel, and the Science Daily article.
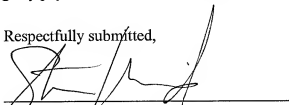
On page 11, paragraph 2 of the Office Action, the Examiner has rejected claims 44-47 and 96-99 as being allegedly unpatentable over Griswald in combination with Stuppy, Sonnenfeld, Lotvin, Kesel, the Science Daily article, and Cook.

For purposes of brevity, Applicant has not repeated the arguments and comments made above with respect to the Examiner's obviousness based rejection of claims 1-4, 8-9, 16, 19, 22, 37, 48-51, 56-58, 65, 68, 71, 88, and 100-106, with possibly minor exception, all of which apply to the remaining rejected claims. Applicant respectfully incorporates and repeated the arguments and comments made above to apply to the remaining rejected claims and respectfully request reconsideration in light of the forgoing arguments and comments. Applicant invited Examiner Musselman to contact attorney for Applicant, Steve Hassid, if an Examiner's amendment would result in allowance of the pending claims.

It is respectfully submitted that all of the Examiner's rejections have been successfully traversed and that the application is now in order for allowance. Accordingly, reconsideration of the application and allowance thereof is courteously solicited.

Applicant does not believe that any extension of time fees are due with this response. The Director is authorized to charge any fee(s) or any underpayment of fee(s), or to credit any overpayments to **Deposit Account Number 50-2638**. Please ensure that Attorney Docket Number 116948-010100 is referred to when charging any payments or credits for this case.

Respectfully submitted,

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